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Editorial Observer

# A Lawmaker Works, Oddly Enough, to Keep His Voters' Backyards Dangerous

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By ADAM COHEN

Published: May 26, 2005

Dallas

It is no surprise, given the close ties between industry and regulators in Washington these days, that Joe Barton is chairman of the House Energy and Commerce Committee. Mr. Barton, a Texas Republican, is such an energy industry loyalist - and so soft on air pollution - that his hometown paper dubbed him "Smokey Joe." He has regularly helped his industry friends by weakening environmental laws and handing out tax breaks. But now he seems poised to do something far more disturbing: block legislation to secure chemical plants against terrorist attacks.

Chemical plants are probably the nation's greatest vulnerability. President Bush's former deputy homeland security adviser, Richard Falkenrath, told Congress last month that they stand "alone as uniquely deadly, pervasive and susceptible to terrorist attack." The death toll from a chemical plant attack could easily outstrip 9/11. The Department of Homeland Security has warned that a single chlorine tank explosion could kill 17,500 people.

Two of the country's most dangerous chemical facilities, which threaten more than one million people, are in Dallas, just outside Mr. Barton's district. There is also toxic waste being transported through his district on rail lines and highways. Mr. Barton's committee chairmanship is likely to give him an enormous say in whether chemical plant security legislation passes this year.

That decision pits the interests of his energy industry supporters against the well-being of his constituents who live or work inside the kill zone. Unfortunately, so far Mr. Barton has tilted in favor of industry.

If corporations were allowed to pick congressmen, Mr. Barton is probably just the one the chemical industry would choose. Before his election, he was a consultant for Atlantic Richfield Oil and Gas Company, and he has accepted more than \$1.8 million in campaign contributions from the energy and chemical industries. In Congress, his causes have been an energy and chemical industry wish list. He has fought to weaken air quality standards that apply to Ellis County, Texas, his home county, which has three enormous cement plants that spew large amounts of toxins. And he has pushed to exempt makers of MTBE, a fuel additive that has spilled into bodies of water across the country, from paying to clean it up.

Even for congressmen used to giving the energy and chemical industries what they want, chemical plant security is a sensitive subject. Individual members are often reluctant to take a public stand against strengthening security, for fear of appearing soft on terrorism or because they do not want to be blamed if there is a successful attack. Senator Jon Corzine's chemical plant bill was unanimously voted out of committee, where senators had to record their votes, but then was quietly blocked when it got to the Senate floor.

Mr. Barton, however, is one of the few congressmen who have spoken out publicly against chemical plant security legislation. In 2003, when there was a serious push to pass a bill, he said he did not see a need for a tough new law. "If there are enough terrorists who are dedicated enough and equipped well enough," he told The National Journal, "they're going to overwhelm everything that you put up short of some sort of Fort Knox - which doesn't make much sense, given the cost and the relatively remote possibility that any specific site is going to be targeted."

The notion that unless chemical plants are as secure as Fort Knox they do not need any security at all is ridiculous. The unfortunate truth is that chemical facilities, including the most dangerous, are so unprotected that they are vulnerable to attack not just by Al Qaeda, but also by much smaller and less sophisticated groups who might be deterred by armed guards and concrete barriers.

I recently visited two plants near Mr. Barton's district, both of which were on the list of the 123 most potentially deadly facilities in the country, and found what appeared to be shocking vulnerability.

At Petra Chemicals, which has large amounts of deadly chlorine on hand, there was a no trespassing sign, but security on the perimeter was minimal. An environmental expert and I parked outside and walked around for more than a half-hour without being stopped. We had no problem walking up to a large railroad car just outside the plant that had a skull and crossbones, and markings indicating that it held up to 90 tons of chlorine. At Harcros Chemicals, another chlorine facility, the fencing was somewhat better. But again, we saw no guards, and no one stopped us when we parked and walked along the plant perimeter, looking as suspicious as we could.

In his much-cited book "What's the Matter With Kansas?," Thomas Frank laments that conservatives have succeeded in getting red-state voters to vote against their own interests on important issues. The Republican Congressional leadership's opposition to a serious chemical plant security bill could test the limits of this phenomenon. If Mr. Barton - or Senator

James Inhofe, the Oklahoma Republican who is leading the fight in the Senate - sides with industry against his own constituents on averting a Sept. 11 in their own backyard, he could hand his opponents an issue that resonates powerfully with ordinary voters.

That is the narrowly self-interested reason why Mr. Barton, and every other member of Congress, should want to get a strong chemical plant bill through Congress this year. But there is also the test by which all homeland security initiatives should be measured: whether, if there were another terrorist attack, they would feel they had done everything they should have to keep Americans safe.

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